

### **REMARKS**

This amendment is filed in response to the final Office Action dated October 19, 2007, in which Claims 1, 3-6, and 8-12 are rejected. Based on applicants' remarks herein, reconsideration and allowance of all pending claims, that is, claims 1, 3-6, and 8-12 is requested.

#### **Drawings and Specification**

Applicants submit herewith ten (10) replacement sheets of drawings consisting of eleven (11) figures, each of which corresponds to its identically named, previously submitted figure. Applicants note that the previously submitted figures were poor quality and therefore submit the replacement sheets in order to further clarify and better illustrate the claimed invention.

Additionally, applicants have added reference numerals to Figure 8 referring to the fiber distribution panel 124 and the hybrid luminaire 126. The addition of reference numerals indicating these elements is proper because the elements were discussed in the specification of the application as filed and therefore do not constitute new matter. *See* MPEP 2163.06.

In MPEP 706.03(o) new matter is said to include “*wholly unsupported subject matter*” (emphasis added). The examiner is advised in this section of the MPEP to be alert to detect new matter following amendment of an application, however, “35 U.S.C. 132(a) should be employed as a basis for objection to amendments attempting to add *new disclosure to that originally disclosed on filing*” (emphasis added). MPEP 2163.06 states that “an issue of new matter will arise if the content of the amendment is not described in the application as filed. Stated another way, *information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter*” (emphasis added).

In the present application, both the fiber distribution panel and the hybrid luminaries were described in the original specification Paragraph [0026] as follows: “[a] centrally located *fiber distribution panel* can serve as a “plug and play” source to feed multiple fixtures with sunlight. A new “*hybrid*” luminaire spatially distributes both fiberoptic-delivered sunlight and

electric light in a general lighting application and controlling [sic] the relative intensity of each based on sunlight availability using photosensors and dimmable electronic ballasts. . . .” (emphasis added). Paragraph [0026] continues to discuss this application using hybrid luminaries, and paragraph [0027] discusses another embodiment using a hybrid luminaire.

In summary, the fiber distribution panel and the hybrid luminaries were described in the original specification. Both elements may be added to the drawings of the application without introducing new matter. *See* MPEP 2163.06.

Additionally, the Examiner made several objections to the drawings and specification that applicants have overcome. First, the Examiner objected to Figure 12, which was added by the previous amendment. The Examiner asserts that Figure 12 was not supported by the original disclosure and was therefore new matter. Applicants herewith delete Figure 12.

Second, the Examiner objected to the specification under 35 U.S.C. 132(a) asserting that it introduced new matter into the disclosure. The Examiner stated that Paragraph [0020.1] was added to the specification and was not in the original specification. Applicants hereby delete paragraph [0020.1].

Third, the Examiner asserted that the amendment to Paragraph [0026] stating “Fiber couplings 125 in the distribution panel 124 connect the optical fibers 120 to the respective hybrid luminaries 126 as needed” was not in the original specification. While it is true that this specific sentence was not found in the original specification, neither the fiber distribution panel nor the hybrid luminaries are new matter requiring a 35 U.S.C. 132(a) objection. Regardless, applicants have deleted this sentence from the specification.

Finally, please note the replacement paragraphs [0011], [0012], [0013], [0016] and [0020], which are corrected to reflect the nature of the replacement figures. Also, replacement paragraph [0022] is submitted to correct several typographical and formal errors as well as to correctly reflect the nature of the replacement figures. Additionally, new paragraph [0022.1] is added to reflect the preferred optical specifications as disclosed in the application as filed on Figure 4. Also, please note the typographical correction on line 9 of paragraph [0026] changing “controlling” to “controls.”

**§ 103 Rejections**

Claims 1, 3, 5, 6, 9, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muhs (J.D. Muhs, "Design and Analysis of Hybrid Solar Lighting and Full-Spectrum Solar Energy Systems", Solar 2000, July 16-21, 2000, American Solar Energy Society) in view of Levinson (US Patent 5,271,079). For the reasons set forth below, applicants submit that the combination of Muhs and Levinson does not render claims 1, 3, 5, 6, 9, and 11 obvious under § 103(a).

Claim 1 refers to a hybrid solar energy distribution system including at least one fiber receiver for receiving visible light. The fiber receiver has a receiver housing, a mixing rod removably disposed in the receiver housing, and a fiber at least partially disposed in the housing and engaged with the mixing rod. The fiber also transmits visible light to a light distribution system, which has at least one fiber distribution panel, at least one hybrid luminaire, and a means for controlling at least one of the hybrid luminaire and the light distribution system.

The Examiner asserts that Muhs discloses at least one fiber distribution panel in Figure 6b, however, Muhs does not describe, teach or suggest use of a fiber distribution panel. This misinterpretation is likely due to the poor image quality of the copy of the cited reference that was reviewed by the Examiner. A replacement copy of the reference having a better image quality is submitted herewith. As seen in the reference, Figure 6b shows a close-up view of large-core optical fiber ends as indicated in its caption. The large core optical fibers pass through a rectangular aperture defined by the primary mirror and into an angled, hollow mount. Muhs Figure 6a is helpful in illustrating these elements. Notably, although the elements of the hybrid solar collector are numbered and referred to in Figure 6a, no fiber distribution panel is referred to, described or suggested with reference to Figure 6a, 6b, or in the remainder of the Muhs reference.

It is further evident that Figures 6a and 6b do not illustrate a fiber distribution panel because the fiber distribution panel of the present application is typically located centrally to multiple hybrid luminaire, and no hybrid luminaires are shown in either Figure 6a or 6b. In the present application, once natural light is collected by the fiber receiver as claimed, the light is transmitted to a light distribution system. This light distribution system is distinct from the fiber receiver as described and claimed. The light distribution system has a fiber distribution panel that receives the light

transmitted from the fiber receiver. This fiber distribution panel is centrally located to the multiple hybrid luminaires and distributes the collected light to the multiple hybrid luminaires. *See* application as filed and amended paragraph [0026]. Thus, the absence of multiple hybrid luminaires in either Figure 6a or 6b indicates that a fiber distribution panel as described in the present application is not present in either figure of the cited reference as asserted by the Examiner.

Levinson does not fulfill the deficiencies of the Muhs reference. Lacking the fiber distribution panel of claim 1, the combination of Muhs and Levinson does not render claim 1 unpatentable. Reconsideration and allowance of claim 1 is respectfully requested.

Claim 3 depends from claim 1 and includes additional important features of the invention. For the reasons discussed above, reconsideration and allowance of claim 3 is respectfully requested.

Claim 5 refers to a hybrid collector including a primary mirror for producing reflected full spectrum solar radiation and a secondary mirror supported in position for receiving the reflected full spectrum solar radiation and filtering the full spectrum solar radiation into visible light that is reflected onto a fiber receiver. The fiber receiver has a receiver housing, a mixing rod removably disposed in the receiver housing, and a fiber at least partially disposed in the housing and engaged with the mixing rod. The fiber also transmits visible light to a light distribution system, which has at least one fiber distribution panel, at least one hybrid luminaire, and a means for controlling at least one of the hybrid luminaire and the light distribution system.

Lacking the fiber distribution panel for the reasons discussed above with regard to claim 1, the combination of Muhs and Levinson does not render claim 5 unpatentable. Therefore, reconsideration and allowance of claim 5 is respectfully requested.

Claims 6, 9, and 11 depend from claim 5 and include additional important features of the present invention. For the reasons set forth above with regard to claim 5, reconsideration and allowance of claims 6, 9, and 11 is respectfully requested.

Claim 4 depends from claim 1 and claims 8, 10, and 12 depend from claim 5 and include additional important features of the present invention. For the reasons set forth above with regard to claims 1 and 5, reconsideration and allowance of claims 4, 8, 10, and 12 is respectfully requested.

**CONCLUSION**

In light of the foregoing discussion, applicants respectfully submit that a full and complete response to the Office Action is provided herein, and that all of the pending claims are now in condition for full allowance. Action in accordance therewith is respectfully requested.

**In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees that may be due with respect to this paper be charged to our Deposit Account No. 12-2355.**

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: /James R. Palmer/

James R. Palmer

Registration No. 48,633

Date: March 19, 2008

P.O. Box 1871

Knoxville, Tennessee 37901

(865) 546-4305